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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,912	12/30/2004	Richard A MOWERY JR.		2926

7590  
Richard A Mowery Jr  
911 Morning Sun Lane  
McGregor, TX 76657

11/16/2007

EXAMINER
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NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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11/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/519,912

Applicant(s)

MOWERY, RICHARD A

Examiner

HUNG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,6-10,12-14 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. In the Specification:

The Specification filed on 7/26/2007 is objected because it is unclear (missing words) on first line. (see the attached unclear page on the last page of the Final Office Action).

Applicant must provide & resubmit a clear & better the Specification and examiner will be appreciate and to request that applicant does double check every pages before send or fax to us or USPTO.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-10, 12-14 & 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowery, Jr. (U.S. 6,492,897).

Regarding claim 1, Mowery, Jr. teaches a technique of system for handoff [ col.13, lines 1-9, col.18, lines 24-33 and abstract ] comprising:

- tethered or untethered device with wireless communication network to a street light (35) / highway / **easy installable wireless network** [ fig.2, col.6, lines 38-46, col.7, lines 1-25, col.10, lines 24-62 and col.13, lines 44-50 ];
- the system for coupling wireless telephone, television or radio signal to a power communication network [ col.8, lines 49-50 ];
- the power line communication by radio signal / wireless network with an integrated circuit and real time [ col.7, lines 10-15 and col.8, lines 25-34 ];
- reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell [ col.12, lines 19-25 and col.13, lines 1-9 ].

The reference of Mowery, Jr. does not specifically mention exactly terms as "base stations", "first base station" and "second base station" as claimed by the applicant because that is obvious design choice of the skilled artisan.

Mowery, Jr. teaches the technique of system for handoff including reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell and also mentions **multi sites** of users can be communicated by radio frequency signal / wireless [ col.9, lines 23-64, col.12, lines 19-25 and col.13, lines 1-9 ].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the system of Mowery, Jr. to perform the same function as desired.

Regarding claim 6, Mowery, Jr. teaches the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [ col.11, lines 1-22, and col.13, lines 1-9 ].

Regarding claim 7, Mowery, Jr. teaches the system for handoff including determining signal power and evaluating the data [ col.18, lines 54-60 and col.19, lines 1-6 ].

- reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell [ col.12, lines 19-25 and col.13, lines 1-9 ].

Regarding claims 8-9, Mowery, Jr. teaches the system for handoff including a photo detector socket / light socket, communicates using **wireless**, infrared, laser and so on [ abstract, col.8, lines 25-29, lines 49-51 and claim 4 ].

Regarding claims 10 & 12-14, Mowery, Jr. teaches the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [ col.11, lines 1-22, and col.13, lines 1-9 ]; and

- the power line communication by radio signal / wireless network with an integrated circuit and real time [ col.7, lines 10-15 and col.8, lines 25-34 ].

Regarding claim 23, Mowery, Jr. teaches a system for handoff [ col.13, lines 1-9, col.18, lines 24-33 and abstract ] comprising:

- tethered or untethered device with wireless communication network to a street light (35) / highway / **easily installable wireless network** [ fig.2, col.6, lines 38-46, col.7, lines 1-25, col.10, lines 24-62 and col.13, lines 44-50 ];
- the system for coupling wireless telephone, television or radio signal to a power communication network [ col.8, lines 49-50 ];
- the power line communication by radio signal / wireless network with an integrated circuit and real time [ col.7, lines 10-15 and col.8, lines 25-34 ];
- reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell [ col.12, lines 19-25 and col.13, lines 1-9 ].

The reference of Mowery, Jr. does not specifically mention exactly terms as "first base station" and "second base station" as claimed by the applicant because that is obvious design choice of the skilled artisan.

Mowery, Jr. teaches the technique of system for handoff including reassigning a first untethered device and second tethered device within a first cell and a different tethered device within the first cell or second cell and also mentions **multi sites** of users can be communicated by radio frequency signal / wireless [ col.9, lines 23-64, col.12, lines 19-25 and col.13, lines 1-9 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Mowery, Jr. to perform the same function as desired.

Regarding claims 24-26, Mowery, Jr. teaches the system for handoff including a photo detector socket / light socket, communicates using **wireless**, infrared, laser and so on [ abstract, col.8, lines 25-29, lines 49-51 and claim 4 ].

Regarding claims 27-28, Mowery, Jr. teaches the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [ col.11, lines 1-22, and col.13, lines 1-9 ].

### **Arguments & Responses**

5. Applicant's argument filed on Nov. 01, 2007 have been fully considered but they are moot in view of the new ground(s) of rejection.

The reference of Mowery, Jr. teaches a technique of system for handoff comprising:

- tethered or untethered device with wireless communication network to a street light (35) / highway / **easy installable wireless network** [ fig.2, col.6, lines 38-46, col.7, lines 1-25, col.10, lines 24-62 and col.13, lines 44-50 ];
- the system for coupling wireless telephone, television or radio signal to a power communication network [ col.8, lines 49-50 ];
- the power line communication by radio signal / wireless network with an integrated circuit and real time [ col.7, lines 10-15 and col.8, lines 25-34 ];

- the system for handoff including a photo detector socket / light socket, communicates using **wireless**, infrared, laser and so on [ abstract, col.8, lines 25-29, lines 49-51 and claim 4 ]; and
- the system for handoff including communication network which **multi sites** of users can be communicated by radio frequency signal / wireless [ col.11, lines 1-22, and col.13, lines 1-9 ].

### Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP j 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-



Application/Control Number:  
10/519,912  
Art Unit: 2612

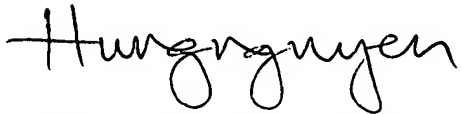
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2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu, Daniel can be reached on (571) 272-2964. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN**  
**PRIMARY EXAMINER**



Examiner: Hung T. Nguyen

Date: Nov. 13, 2007